

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 262

This is an advisory opinion in response to your letter requesting advice from the Ethics Commission as to whether a conflict of interest would be created if an individual ("A") were appointed to serve as a member of the Commission on Housing and Community Development. The Commission understands the facts relative to your inquiry to be as follows:

The Commission on Housing and Community Development [CHCD] is an advisory body, responsible to the Director of the Department of Housing and Community Development [DHCD]. CHCD is neither quasi legislative nor quasi judicial in function. Furthermore, it has access to no information that is unavailable to the general public.

A is executive director of a non-profit agency ("XYZ") that serves the homeless. Twice in the past, XYZ has been a recipient of Community Development Block Grant [CDBG] funding through the City and County of Honolulu which has totaled approximate two million dollars. While the CDBG monies were administered by the Department of the Budget, the funding proposals were evaluated by the Planning and Analysis Division of DHCD.

The ethical question presented is whether a conflict of interest would be created if A is appointed to serve on the CHCD.

The general rule in relation to your question is found in the Revised Ordinances of Honolulu 1990, Section 3-8.2(c), which states in pertinent part:

No officer or employee of the city, except as hereinafter provided, shall...[a]pppear in behalf of private interests before any agency other than a court of law, nor shall such person represent private interests in any action or proceeding against the city in litigation to which the city is a party; provided, however, that a member of any board, commission or committee, whose board, commission or committee does not exercise either quasi judicial or quasi legislative power, may appear for compensation in behalf of private interests before agencies other than the one on which such person serves and other than those agencies that have the power to review the actions of the agency on which such person serves, or to act on the same subject matter as the agency on which such person serves....

Based on the evidence presented, the Commission finds that no conflict of interest would be created if A were appointed to serve on the Commission on Housing and Community Development provided that: 1) A is recused from any discussion of recommendations to the Director of DHCD concerning XYZ; and 2) A does not appear before any part of the DHCD on behalf of private interests (including XYZ) while serving on the CHCD.

Dated: October 24, 1995

SAMUEL L. DOMINGO
Chair, Ethics Commission